

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CORNELIUS TUCKER, JR. and
DANIEL LEE BROWN,

Plaintiffs,

v.

//

CIVIL ACTION NO. 1:06CV161
(Judge Keeley)

ELISHA WHIPKEY, Director,
BPD Program Div., DARRELL
HARPER, BPD, Manager Bonds
Reissue, CHARLES MILLER,
US Govt. Advisor, DOE 1,
FOI PA Coordinator, and
GARY BRADLEY, BPD Chief
Advisor,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 3, 2006, pro se petitioners, Cornelius Tucker and Daniel Lee Brown, filed a civil rights complaint under 42 U.S.C. §1983 and an motion for leave to proceed in forma pauperis. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On November 14, 2006. Judge Seibert issued a Report and Recommendation recommending that case be transferred to the Eastern District of North Carolina.

The Report and Recommendation also specifically warned that failure to object to the recommendation would result in the waiver

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of appellate rights on this issue. Nevertheless, the petitioners did not file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** the Clerk of Court to **TRANSFER** this case to the Eastern District of North Carolina.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioners, certified mail, return receipt requested.

Dated: December 5, 2006.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE

¹ Petitioners' failure to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).